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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,335	08/06/1999	MASAKI KINOSHITA	1137-786A	6662

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EXAMINER

TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/369,335

Applicant(s)

KINOSHITA, MASAKI

Examiner

Tuan A Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062).

Regarding claim 6, Sheerin discloses a programmable answering machine that comprises caller number storage means (See col. 3 lines 36-40 and col. 4, lines 55-60), answer message storage means 8,10 (See fig. 2), and answer message selecting means 26 for selecting outgoing message based on the identity of the calling party (See fig. 1 and col. 4, lines 61-67, col. 5, lines 1-19). Sheerin, however, does not teach the use of timer means to put the time stamp on the received messages as additional call answering message information and the technique of generating outgoing messages not only based on the ID of the calling party, but also on the time that the incoming call is received.

Drake discloses an automated voice mail/answering machine greeting system that comprises the timer means 50, which gives the exact date and time of the incoming

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call (See fig. 1A, col. 4, lines 5-9) and generates a call answering message based on the date and time of the received call (See fig. 1A and col. 3 line 3 to col. Col. 6 line 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the time-dependence message capability as disclosed by Drake to the answering machine as disclosed by Sheerin for the advantages of giving the caller options to call back at the appropriate time or leave messages.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062) as applied to claim 6 above, and further in view of Fuller et al. (5,610, 970).

Sheerin & Drake discloses as cited in claim 6. However, both fail to include time-dependent control codes in relation to caller numbers.

Fuller discloses a telephone system with scheduled handling of calls that comprises programmable 'mode memories' which refer to database and determine the correct handling method for the day of week, and time of day, and deliver the call accordingly. (See col. 9, lines 57-67 and col. 10, lines 1-25)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included such modes as disclosed by Fuller in the device as disclosed by Sheerin & Drake, for the advantage of delivering selected answer messages to designating callers. This will give the callers options to call back or leave messages.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062) as applied to claim 6 above, and further in view of Chin (5,661,788).

Sheerin & Drake discloses as cited in claim 6. However, both fail to include forced alert codes in relation to caller numbers.

Chin discloses method and system for selectively alerting user and answering preferred telephone calls that comprises a alert mode that designates how the user will be notified of incoming calls from the designated telephone numbers. (See fig. 2 and col. 3, lines 9-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add such mode as disclosed by Chin in the device as disclosed by Sheerin & Drake, for the advantage of notifying the user the designated incoming calls so that the user can either pick up the call, or let the answering machine take it.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheerin (5,748,709) in view of Drake (5,832,062) as applied to claim 6 above, and further in view of Oshima (6,081,704).

Sheerin and Drake discloses as cited in claim 6. However, both fail to include locked dialing codes and voice mail codes.

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Oshima discloses control codes 7 that allow user to lock all key operations remotely. (See fig. 2 and col.7, lines 40-47). The examiner takes an official notice that the control codes can be modify to allow user to set up the voice mail. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such codes as disclosed by Oshima in the device as disclosed by Sheerin & Drake, for the advantage of preventing unauthorized access.

Response to Arguments

Applicant's arguments filed 10/31/2001 have been fully considered but they are not persuasive.

a. The Applicant argued that Sheerin & Drake disclose the customization of a call answering message based on the identity of the called party only, not the calling party (See Remark page 4, third paragraph). The Examiner respectfully disagrees with the Applicant's argument because the Sheerin discloses a call-answering message based on the identity of the calling party (See figs. 1, 3 and col. 4 line 47 to col. 5 line 19).

b. The Applicant argued that no combination of Sheerin & Drake would achieve the invention of claim 6. The Examiner respectfully disagrees with the Applicant because both Sheerin & Drake teach automatic answering machine with different ways to generate messages. Sheerin discloses an answering machine that routs an incoming call based on its identity to individual voice box with a predetermined outgoing message. Drake discloses an answering machine that generates messages

based on the time of the received call. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the answering machine as disclosed by Sheerin modified by Drake in order to deliver appropriate messages to the callers and give them options to call back or leave messages. The Examiner has found no reasons for not combining Sheerin and Drake.

c. For the same reasons stated above, Fuller, Chin or Oshima references consequently render claims 7-10 obvious under 35 U.S.C. 103.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Tran whose telephone number is (703) 605-4255. The examiner can normally be reached on Mon-Fri, 6:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel S Hunter can be reached on (703) 308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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WAT

TUAN TRAN

January 10, 2002


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